



# City of Chula Vista

## Staff Report

---

**File#:** 16-0252, **Item#:** 12

---

### CONSIDERATION OF APPROVING THE CHULA VISTA BAYFRONT NATURAL RESOURCES MANAGEMENT PLAN

RESOLUTION NO. 2016-119 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE CHULA VISTA BAYFRONT NATURAL RESOURCES MANAGEMENT PLAN, A COORDINATED EFFORT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT, THE CITY OF CHULA VISTA, AND THE WILDLIFE ADVISORY GROUP (MPA-16-0005)

#### **RECOMMENDED ACTION**

Council conduct the public hearing and adopt the resolution.

#### **SUMMARY**

The San Diego Unified Port District (District), the City of Chula Vista (City), and the Bayfront Coalition (Coalition) entered into a Settlement Agreement concerning the Chula Vista Bayfront Master Plan (CVBMP). The Settlement Agreement resulted in the Coalition's support of the CVBMP, with the Coalition seeking additional environmental protection measures via the Settlement Agreement. The Settlement Agreement requires the creation of a Wildlife Advisory Group (WAG) to oversee the development of a Chula Vista Bayfront Natural Resources Management Plan (NRMP) that promotes specific management objectives intended to protect and enhance fish and wildlife populations and habitats of the Chula Vista Bayfront. The WAG consists of 26 members including the Bayfront Coalition, Port tenants, City residents, developers and resource agencies.

The NRMP was prepared in conjunction with the City, District and the WAG to achieve all of the management objectives of the Settlement Agreement. The Settlement Agreement requires the District and City to approve the NRMP. Based on several years of rigorous and thoughtful collaboration among the parties, the NRMP is now complete. The Port of San Diego approved the NRMP at the Board of Port Commissioner's meeting of May 10, 2016.

#### **ENVIRONMENTAL REVIEW**

##### **Environmental Notice**

Environmental Impact Report UPD#83356-EIR-658 has been previously prepared and certified.

##### **Environmental Determination**

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed project was adequately covered in previously adopted Bayfront Specific Plan EIR-UPD#83356-EIR-658. Thus, no further environmental review or documentation is required.

**BOARD/COMMISSION RECOMMENDATION**

N/A

**DISCUSSION**

In May 2010, when the CVBMP Environmental Impact Report (EIR) was certified (BPC Resolution No. 2010-78), the District, the City, and the Coalition entered into the Settlement Agreement. The Settlement Agreement requires the creation of a WAG (Settlement Agreement, Section 10) to oversee the development of the NRMP. The NRMP is required to meet specific management objectives to protect habitats and enhance the fish and wildlife populations of the Chula Vista Bayfront development and adjacent refuge lands. The NRMP provides guidance for the implementation of the requirements in the controlling documents (i.e., the Mitigation Monitoring and Reporting Program [MMRP] of the EIR, the CVBMP Settlement Agreement and the Coastal Commission Development Policies [CCDP]) and also outlines strategies that may be considered for future grant opportunities. The Settlement Agreement also requires the WAG to advise the District and the City on wildlife management issues and restoration plans related to the future development of the Chula Vista Bayfront.

The District and City staff role, as outlined in Section 10.2 of the Settlement Agreement, is to provide administrative and staff support to the WAG, as necessary, to perform the functions and achieve the goals described in the Settlement Agreement. Additional details about the WAG's purpose are provided in Section 10.3 of the Settlement Agreement.

The WAG consists of 26 members, as follows:

- Seven representatives who signed the Settlement Agreement from the Bayfront Coalition include:
  - Environmental Health Coalition
  - San Diego Audubon Society
  - San Diego Coastkeeper
  - Coastal Environmental Rights Foundation
  - Southwest Wetland Interpretive Association
  - Surfrider Foundation - San Diego Chapter
  - Empower San Diego
- Two representatives from the Living Coast Discovery Center (former Chula Vista Nature Center), from both the education and operations programs;
- Three CVBMP developers/tenants, including Pacifica;
- One representative from the Chula Vista Resource Conservation Commission;
- One representative from the Chula Vista School District;
- Three residents from the City of Chula Vista;
- One representative from an eco-tourism based business;
- Two appointees from the District;
- Six representatives from resource agencies, including:
  - U.S. Fish & Wildlife Service (Refuges and Endangered Species)
  - California Department of Fish & Wildlife
  - National Marine Fisheries Service

- Regional Water Quality Control Board
- California Coastal Commission

Since the WAG's first meeting on May 4, 2011, the group has met over thirty times. District and City staff members have been working collaboratively to facilitate the WAG meetings. Over the course of these meetings, the WAG developed goals and objectives for both the group and the NRMP.

### **Chula Vista Natural Resources Management Plan**

The NRMP promotes and enhances natural resources in the bay-estuarine, urban setting, for a sustainable future that sets far-reaching goals for living with climate change. The NRMP envisions a thriving, healthy ecosystem that fosters the human experience of nature. The NRMP is an important environmental guidance and implementation document, applicable to all development within the Chula Vista Bayfront project area. All projects, including both public and private, will be evaluated by the District and City relative to furthering the goals, objectives, standards and strategies of the NRMP.

The vision of the NRMP is, *"To sustain habitats and ecosystems that protect and nourish both native resident and migratory fish and wildlife, especially those that are at risk and dependent on the south bay. The goals, objectives, and strategies articulated in the NRMP are intended to transform the way we conserve and restore nature in coastal urban environments with a changing global climate, and to preserve precious natural resources for generations to come."*

The NRMP is designed to offer varied opportunities for human encounters with nature that are engaging, tranquil, support human and ecological health and well-being, and are accessible to all. Once completed, the Chula Vista Bayfront will be a destination for global travelers as well as local residents and visitors, and reflect strong planning and design principles for sustainability of resources, economic feasibility, and community benefit.

### **NRMP Management Objectives**

The NRMP (Attachments 1 and 2) was prepared in consultation with District and City staff and six separate WAG ad hoc committees; working versions were also considered at several publicly noticed WAG meetings. The NRMP was written to achieve all of the management objectives of the Settlement Agreement (Section 3.2 and 4.1) which include:

Long term protection, conservation, monitoring and enhancement of:

- Wetland habitat, with regard to gross acreage as well as ecosystem structure, function and value.
- Coastal sage and coastal strand vegetation.
- Upland natural resources for their inherent ecological values, as well as their roles as buffers to more sensitive adjacent wetlands. Upland areas in the Sweetwater and Otay Districts will be adaptively managed to provide additional habitat or protection to create appropriate transitional habitat during periods of high tide and taking into account future sea level rise.
- Preservation of biological function of all Bayfront habitats servicing as avifauna for breeding, wintering, and migratory rest stop uses.
- Protection of nesting, foraging, and rafting wildlife from disturbance.
- Avoidance of actions within the proposed project area that would adversely impact or degrade water quality in San Diego Bay or watershed areas or impair efforts of other entities for protection

of the watershed.

- Maintenance and improvement of water quality where possible and coordination with other entities charged with watershed protection activities.
- Not required to expend funds for NRMP implementation until project-related revenues are identified.
- Coordinate with Resource Agencies regarding wildlife habitat area responsibilities.
- Designate no touch buffer areas with fencing to protect adjacent Wildlife Habitat Areas. The Wildlife Habitat Areas (Settlement Agreement Section 3.1) are defined as: 1) the National Wildlife Refuge lands, currently designated and designated in the future, in the South San Diego Bay and Sweetwater Marsh National Wildlife Refuge Units for the sole purpose of addressing adjacency impacts; 2) District wetlands, estuary and habitat replacement lands and open water; and 3) includes the no touch buffer.

To meet these objectives the NRMP also includes establishing fenced buffer areas with specific types of fencing; prohibiting activities near and adjacent to buffer areas; enforcing leashing of dogs at all times; buildings and structures designed to prevent bird strikes and predators from perching; establishing design guidelines for walkways, pathways, lighting, noise, landscaping, stormwater management, roads, and footpaths; providing year-round predator control, increased enforcement, signage, volunteer events and interpretive walks to educate residents and visitors; implementing integrated pest management; limiting boating impacts; reviewing alternatives for conducting restoration of existing wetlands; public park restrictions; and implementing water quality improvement projects.

### **NRMP Organization**

The NRMP is organized hierarchically from broad to specific, starting with the Vision statement described above, then by goals, objectives, and strategies in each of the chapters. The Table of Contents reflects the underlying ecosystem-based management and ecosystem service themes carried throughout the plan, organized in the following groupings:

- Productive and Diverse Habitats and Communities
- Minimizing Harm to Wetlands and Marine Waters
- A Wildlife-Friendly Urban-Wildland Interface
- Maximum Ecosystem Services in the Built Environment and Open Space
- Education to Inspire and Promote the Human Experience of Nature
- Integration and Implementation

The final chapter on implementation integrates all of the previously presented work in the NRMP, prioritizes the work, and identifies roles and responsibilities. The supporting appendices provide detail on the background, approach to implementing this NRMP and the controlling documents.

### **NRMP Guiding Principles**

The NRMP guiding principles are common elements throughout the plan and they describe the targets and desired outcomes to shape the NRMP goals, objectives and strategies.

Guiding Principle 1: Consistency with the Coastal Commission Development Policies, Settlement

	Agreement, and all regulatory compliance requirements
Guiding Principle 2:	Ecosystem-based management and ecosystem services
Guiding Principle 3:	Exemplary transboundary connections and integrated planning
Guiding Principle 4:	Benefits from natural resources are accessible to all
Guiding Principle 5:	Best science for accountable adaptive management
Guiding Principle 6:	Planning is non-regulatory
Guiding Principle 7:	Collaborative action

### **NRMP Controlling Documents**

The preparation of the NRMP was based on the controlling documents (NRMP Appendix I: Controlling Documents):

- Settlement Agreement;
- Coastal Commission Development Policies (adopted by CCC 2012), and;
- Mitigation Monitoring and Reporting Program for the Chula Vista Bayfront (BPC Resolution No. 2010-785).

The requirements from these documents are embedded into the NRMP's comprehensive approach for natural resources protection which is longer term and broader in scope than just regulatory and mitigation requirements alone.

### **NRMP Color Code**

Controlling documents are referenced throughout the NRMP in a blue box. Implementation strategies are identified with a green bar to the left of the paragraph and are referenced as Core Strategies. Core strategies are actions that will be taken to implement the requirements of the Controlling Documents. All other strategies will be considered during future project approvals for both public and private projects, as applicable, and as part of future adaptive management. The strategies offered in the NRMP are intended to help decision-makers during project review and to seek grant funding.

### **Sea Level Rise**

On August 12, 2015, the California Coastal Commission's (CCC) adopted the Sea Level Rise Policy Guidance to address sea level rise for Coastal Development Permits. The Policy Guidance provides a recommended approach to address sea level rise in coastal planning and development based on best available science. A range of adaptation strategies are suggested to limit and avoid coastal hazards.

### **Public Participation in the Development of the NRMP**

The first draft of the NRMP was available for public comment on July 1, 2013. The WAG provided approximately 300 comments. These comments were reviewed and District and City staff worked with a WAG ad-hoc committee on a near-weekly basis to revise the NRMP and to resolve as many outstanding issues as possible prior to the second public review of the NRMP.

The second draft of the NRMP was available for a 45 day public review on November 2, 2015. The

WAG specifically requested that the review period include two WAG meetings. The WAG, therefore, met on December 3 and 10, 2015 to obtain consensus on 143 comments from WAG members, which were submitted on December 16, 2015 (Attachment 3). Other public comments on the draft plan included 3 comments from a Chula Vista resident (Attachment 4) and 31 comments on the implementation table from the Chair of the WAG (Attachment 5).

District and City staff and the WAG ad-hoc committee met several times to review the response to comments on the second draft of the NRMP. The responses to comments were provided to the WAG on February 29 and April 25, 2016. The NRMP was revised to incorporate responses to the comments.

The WAG met on May 5, 2016 and voted to approve the NRMP and recommend forwarding the NRMP to the District Board and City Council for approval.

### **NRMP Future Review**

Per the Settlement Agreement, the WAG will make recommendations regarding updates to the NRMP and meet a minimum of every 6 months for 10 years, then annually thereafter, to determine the NRMP's effectiveness and in achieving the management objectives (Settlement Agreement, Section 10.4). The Board of Port Commissioners and the Chula Vista City Council will be requested to approve any future amendments to the NRMP.

### **DECISION-MAKER CONFLICT**

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 500 feet of the boundaries of the property that is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California Code of Regulations Title 2, section 18702.2(a)(11), for purposes of the Political Reform Act (Cal. Gov't Code §87100, *et seq.*).

Staff is not independently aware, and has not been informed by any Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. Implementation of the Bayfront Master Plan is Initiative 2.1.1 of the City's Strategic Plan, supporting Citywide Strategy 2.1, *Provide policies, planning, infrastructure, and services that are fundamental to an economically strong, vibrant city.* The NRMP is a required component of implementing the Bayfront Master Plan.

### **CURRENT YEAR FISCAL IMPACT**

Approval of the NRMP does not have a current year fiscal impact.

### **ONGOING FISCAL IMPACT**

Section 4.1.1 of the Settlement Agreement states that the Port District and City are not required to expend funds for NRMP implementation until project-related revenues are identified and impacts initiated.

### **ATTACHMENTS**

---

**File#: 16-0252, Item#: 12**

---

- Attachment 1: Chula Vista Natural Resources Management Plan
- Attachment 2: NRMP Appendices
- Attachment 3: Response to WAG comments on draft NRMP
- Attachment 4: Response to public comments on draft NRMP
- Attachment 5: Response to WAG Chair comments on draft NRMP

*Staff Contact: Steve Power, Principal Planner*